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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,766	03/03/2000	Igor Postelnik	M-8400-US	6142
33438	7590	09/17/2004	EXAMINER	
HAMILTON & TERRILE, LLP			AKERS, GEOFFREY R	
P.O. BOX 203518			ART UNIT	PAPER NUMBER
AUSTIN, TX 78720			3625	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/518,766	POSTELNIK ET AL.	
	Examiner	Art Unit	<i>MW</i>
	Geoffrey Akers	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 4-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment filed 6/30/04.
2. Claims 1,14,20,21 were amended. Claim 2 was cancelled. New claims 22-29 were added.
3. Claims 1,4-29 as amended and added are pending.

Claim Rejections - 35 USC § 103

4. Claims 1, 4-29 are rejected under 35 USC 103(a) as being unpatentable over Henig(US Pat. No: 6,587,827) in view Bright(US Pat. App. Publication US 2002/0013831 A1). The rejections as cited in the prior Non Final Office Action dated 11/26/03 are maintained and applied under the same rationale to new parallel claims 22-29.

Response to Arguments

5. Applicant's arguments are not persuasive. Henig discloses a method for processing customer generated orders to multiple suppliers(Abstract). Henig's system is executed over a network as the Internet. A customer selects a preferred supplier for delivery of a product by characteristics as geographical area transportation and transportation efficiencies as all business rules(col 5 line 48).The system maintains a database of all orders and the customer determines a preferred supplier(Fig 3/40) including a validation for the customer order(Fig 3/42). Henig teaches that the server determines the existence and identification of a preferred supplier(Fig 4/54).Henig also teaches determining the status event for each event order from the supplier(Fig 5/80).Thus the

communication from the server relates to multiple(each) order events. Bright does teach business rules which allow a supplier to configure how a request is managed with respect to the client. Henig teaches selecting a preferred supplier(Fig 6). It is clear that Henig's system could be used multiple times to select N preferred suppliers for N orders which could have been bundled into a composite order M(M containing N orders). From this composite order M all preferred suppliers for the N orders are derived. Henig teaches applicant's claim.

Conclusion

6. THIS ACTION IS MADE FINAL.

Questions regarding this communication may be addressed to the primary examiner, Dr. Geoffrey Akers, P.E., who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, may be telephoned at (703)-308-1065.

September 15,2004



DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER